

**LITE DEPALMA GREENBERG &
RIVAS, LLC**

Allyn Z. Lite
Michael E. Patunas
Two Gateway Center, 12th Floor
Newark, New Jersey 07102-5003

Attorney for Defendants
Teva Pharmaceuticals USA, Inc. , Teva
Pharmaceutical Industries LTD. and GATE
Pharmaceuticals

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EISAI CO. LTD, and EISAI INC.)	
)	
Plaintiffs,)	CONSOLIDATED
v.)	Civil Action No. 05-5727
TEVA PHARMACEUTICALS USA, INC. and)	(HAA)(ES) (Lead)
TEVA PHARMACEUTICAL INDUSTRIES, LTD.)	
)	
Defendants.)	
)	
EISAI CO. LTD, and EISAI INC.)	
)	
Plaintiffs,)	
v.)	Civil Action No. 07-5489
TEVA PHARMACEUTICALS USA, INC., TEVA)	(HAA)(ES)
PHARMACEUTICAL INDUSTRIES, LTD. and)	
GATE PHARMACEUTICALS (a division of Teva)	
Pharmaceuticals USA, Inc.),)	
)	
Defendants.)	
)	

STIPULATION AND ORDER FURTHER MODIFYING JANUARY 2, 2008
LETTER ORDER REGARDING PROCEDURAL SCHEDULE

WHEREAS, the Letter Order entered on January 2, 2008 and modified on January 15, 2008, February 20, 2008, April 3, 2008, and July 22, 2008 (D.I. Nos. 112, 121, 156, 194 and 210 (“Letter Order”) provided for a procedural schedule in these consolidated actions; and

WHEREAS, the parties have agreed to modify the schedule for summary judgment briefing, the only item from the procedural schedule set forth in the Letter Order remaining to be completed, as set forth herein.

THEREFORE, it is hereby Stipulated and Agreed that the Letter Order shall be amended as follows:

1. Defendants shall file their opposition to Eisai’s summary judgment motion on October 17, 2008 and any reply from plaintiffs shall be filed on November 10, 2008.

4. All other provisions of the Letter Order which are not specifically amended herein shall remain in full force and effect.

IT IS HEREBY STIPULATED this 30th day of September, 2008.

/s/ William J. Heller

William J. Heller
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444
wheller@mccarter.com

Attorney for Plaintiffs Eisai Co. Ltd. and
Eisai Inc.

Of Counsel:

Joseph M. O'Malley, Jr.
Bruce M. Wexler
Anthony Michael
Paul, Hastings, Janofsky & Walker LLP
75 East 55th Street
New York, New York 10022
(212) 318-6000

/s/ Michael E. Patunas

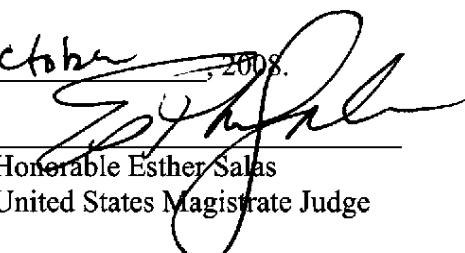
Allyn Z. Lite
Michael E. Patunas
LITE DEPALMA GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, New Jersey 07102-5003
(973) 623-3000
mpatunas@ldgrlaw.com

Attorney for Defendants Teva Pharmaceuticals
USA, Inc., Teva Pharmaceutical Industries, Ltd.
And GATE Pharmaceuticals

Of Counsel:

Francis C. Lynch
John T. Bennett
Charles H. Sanders
GOODWIN PROCTER LLP
53 Exchange Place
Boston, MA 02109
(617) 570-1000

IT IS SO ORDERED this 6th day of October, 2008.


Honorable Esther Salas
United States Magistrate Judge

LIBA/1934235.1